

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 41-43 and 48-69 are pending.

In the outstanding Office Action, Claims 41-43 and 48-68 were rejected under 35 U.S.C. §103(a) as unpatentable over Bieganski et al. (U.S. Patent No. 6,412,012, hereinafter "Bieganski") in view of Medina et al. (U.S. Patent No. 6,959,288, hereinafter "Medina").

Initially, it is noted that page 2, line 4 of the outstanding Office Action acknowledged that Claim 69 was added, but Claim 69 was not rejected or in any way addressed by the outstanding Office Action. Accordingly, the outstanding final rejection is improper and a new office communication addressing Claim 69 is respectfully requested.

The outstanding rejection is respectfully traversed.

Claim 41 recites in part:

a recording unit configured to record history data indicative of usage history of the group of contents and at least two filtering data sets each of the at least two filtering data sets defining a filtering criteria as a computation of a weight per each of the contents in accordance with a respective filtering criteria, ***the recording unit being configured to change the filtering criteria of the at least two filtering data sets to values input by a user, the values independent of the usage history;***

a computing unit configured to compute a weight related to a number of checkouts per each of the contents based on both the history data and one of the at least two filtering data sets, the computing unit receiving the filtering criteria of the at least two filtering data sets;

a selecting unit configured to select a content from the group of contents based on the weight computed by the computing unit and to create at least two filtering packages based on the at least two filtering data sets, each of the at least two filtering packages includes information identifying the content selected, and the information identifying the content is capable of being shared by the at least two filtering packages so as to allow the content to belong to both the at least two filtering packages at any given time; and

a displaying unit configured to display a list including at least a title of the content in the information identifying the content selected by the selecting unit.

Bieganski describes a system for making recommendations to a user based on user preference data compiled based on a history of a user choices.<sup>1</sup> The outstanding Office Action cited column 6, lines 4-12 of Bieganski as describing the above highlighted feature.<sup>2</sup> This portion of Bieganski states:

Recommendation sets may be generated in many ways. Common mechanisms include "word of mouth" wherein a person suggests items to another person, publication of individual opinions such as movie or restaurant reviews written by critics (which often have stars to indicate a recommendation value); publication of collected opinions such as the automobile reliability and movie ratings published by Consumer Reports; evaluation by systematic and possibly objective ratings formulas as is commonly done for comparative product reviews; evaluation by software systems that evaluate the contents of the items being considered as is commonly done for information retrieval searches such as library and world wide web searchers; and collaborative filtering systems that use the opinions of multiple users to create a recommendation for other users. An interesting case is the use of a recommendation engine, which incorporates collaborative filtering, content analysis, or both to *automate* the process of generating recommendations. The present invention is applicable to recommendation sets generated in all manners, including those recommendation sets generated by recommendation engines.  
(Emphasis added.)

Thus, it is respectfully submitted that Bieganski describes a system that *automatically* generates recommendation sets. Bieganski does not describe any device configured to change filtering criteria of at least two filtering data sets *to values input by a user*. In fact, no portion of Bieganski, including those cited by the outstanding Office Action, teach or suggest changing any criteria to values input by a user.

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<sup>1</sup>See Bieganski, column 7, lines 26-45.

<sup>2</sup>See the outstanding Office Action at page 3, lines 17-22.

If the present rejection is to be maintained, it is respectfully requested that the portion of Bieganski that teaches or suggests a recording unit configured to change the filtering criteria of the at least two filtering data sets *to values input by a user* be cited particularly for the purposes of appeal.

Further, column 6, lines 43-47 of Bieganski clearly states “The *present invention* is directed to the creation of compatibility-modified recommendation sets. It is useful for improving the quality of a recommendation set by taking advantage of knowledge of item compatibility, in the form of item compatibility rules, *and taking advantage of the knowledge of which items a customer has previously purchased, is presently purchasing, or are being presently recommended to a user.*” (Emphasis added.) Not only does this clearly indicate that *every* “set” and “rule” defined in Bieganski is based on usage history, this clearly teaches away from filtering criteria independent of the usage history.

Thus, it is respectfully submitted that Bieganski does not teach or suggest “the recording unit being configured to change the filtering criteria of the at least two filtering data sets to *values input by a user, the values independent of the usage history*” as recited in Claim 41, and in fact teaches away from this feature. Therefore, Bieganski does not teach or suggest “a recording unit” as defined in Claim 41. Further, it is respectfully submitted that Medina does not teach or suggest such “a recording unit” either. Consequently, Claim 41 (and Claims 42, 43, and 69 dependent therefrom) is patentable over Bieganski in view of Medina.

As Claim 67 also recites “a recording unit” as defined in Claim 41, Claim 67 is patentable for at least the reasons described above with respect to Claim 41.

Claim 48 recites in part:

a recording unit configured to record usage history data indicative of usage history of the group of contents, related data about the group of contents, and at least two filtering data sets each of the at least two filtering data sets defining a

filtering criteria as a computation of a weight per each the contents in accordance with a respective filtering criteria, ***the recording unit being configured to change the filtering criteria of the at least two filtering data sets to values input by a user, the values independent of the usage history.***

As noted above, Bieganski only describes a system for making recommendations to a user based on user preference data compiled based on a history of user choices, and does not describe changing filtering criteria to ***values input by a user, the values independent of the usage history.*** Therefore, Bieganski does not teach or suggest “a recording unit” as defined in amended Claim 48. Further, it is respectfully submitted that Medina does not teach or suggest such “a recording unit” either. Consequently, Claim 48 (and Claims 49-52 dependent therefrom) is also patentable over Bieganski in view of Medina.

Amended Claims 53, 55, 60, 62, and 68 recite in part “changing the filtering criteria of the at least two filtering data sets to ***values input by a user, the values independent of the usage history.***”

As noted above, Bieganski only describes making recommendations to a user based on user preference data compiled based on a history of a user choices, and does not describe changing filtering criteria to ***values input by a user, the values independent of the usage history.*** Thus, Bieganski does not teach or suggest “changing the filtering criteria of the at least two filtering data sets to ***values input by a user, the values independent of the usage history***” as recited in amended Claims 53, 55, 60, 62, and 68. Therefore, Bieganski does not teach or suggest “changing” as defined in amended Claims 53, 55, 60, 62, and 68. Further, it is respectfully submitted that Medina does not teach or suggest “changing” as defined in amended Claims 53, 55, 60, 62, and 68 either. Consequently, Claims 53, 55, 60, 62, and 68 (and Claims 54, 56-59, 61, and 63-67 dependent therefrom) are patentable over Bieganski in view of Medina.

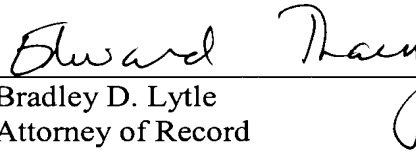
Claim 69 recites in part “the recording unit is configured to store the filtering data in a filtering file, and is further configured to change the filtering data in the filtering file to the values input by the user.”

As noted above, no portion of either reference was cited as teaching or suggesting this feature. Accordingly, Claim 69 further defines over Bieganski in view of Medina.

Accordingly, the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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A handwritten signature in cursive script, appearing to read "Bradley D. Lytle", is written over a horizontal line.

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